

REMARKS

This paper is submitted in response to the official action dated November 1, 2007, wherein claims 1-20 were pending and rejected as obvious. Submitted herewith is a petition for a three-month extension of time. The appropriate extension of time fee was paid by credit card.

By way of this response, claims 1 and 11 are currently amended, and claims 8 and 20 are canceled. No new matter is added.

In light of the foregoing amendments to the claims and the following remarks, Applicants respectfully submit that the present application is in condition for allowance and respectfully request the examiner to acknowledge the same.

AMENDMENTS TO THE SPECIFICATION

The specification is amended herein to recite “the mounting extension 8 of hand-held sprayer 1 assumes the form of an adapter.” Applicants submit that the term “adapter” is more appropriate for the original German word “stutzen,” which was used in the original specification. This revision is made to clarify that the mounting extension 8 is not only optional in the form of an adapter.

Entry of the foregoing amendment to the specification is respectfully solicited.

CLAIM REJECTIONS

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as obvious over You (U.S. Patent No. 6,446,881), in view of Porta et al. (U.S. Patent No. 3,973,791).

Independent claims 1 and 11 of the present application are amended herein to explicitly recite a hand-held sprayer arranged on or in a cooking appliance. Neither You nor Porta, alone or in combination, teach or suggest every element of the amended claims. Specifically, neither You nor Porta disclose or suggest a cleaning device arranged on or in a cooking appliance.

To enable a hand-held sprayer connected to a cooking appliance to clean the cooking appliance, it is important that the hand-held sprayer be freely movable independent of the hose to which it is connected. This is described at paragraphs [0012] and [0023] of the

Substitute Specification filed in the present application on August 5, 2005 (hereinafter referred to as “the specification”).

That is, as the inside of a cooking appliance cavity has to be cleaned, it is necessary to direct the cleaning fluid toward each surface of the cavity via the hand-held sprayer. Especially horizontal surfaces, like the ceiling as well as the floor, and vertical surfaces, like side walls, have to be cleaned. As the hand-held sprayer must be directed in opposite directions to clean all of these respective horizontal and vertical surfaces, it is necessary that the hand-held sprayer is rotatable by 360°. Moreover, the hose connected to the hand-held sprayer of a cooking appliance must be short in length to avoid any obstruction during normal usage of the cooking appliance such as cooking. Further still, buckling resistant hoses must be used to avoid any malfunction of the hand-held sprayer due to, for example, a breakage in the hose. The buckling resistance of the hose especially results from the necessity that robust hoses have to be used to avoid a rupture under the rough use conditions in commercial kitchens such as canteens. Still further, hand-held sprayers connected to cooking appliances are not only used for cleaning, but also for cooling food such cooked eggs, supplementing drinking water when producing sauces, and for cooling the cooking atmosphere. In each of these cases, it is also important to maintain the free rotatability of the hand-held device relative to the hose.

Combination of You and Porta Involves Impermissible Hindsight

In the last paragraph on page 5 of the official action, the examiner asserts that one having ordinary skill in the art would recognize that the hose and sprayer of You are capable of being placed on or in a cooking appliance.

Without conceding the merits of this assertion, Applicants respectfully submit that any combination of You and Porta to arrive at the invention recited in amended claims 1 and 11 must involve impermissible hindsight, and as such, must be withdrawn. MPEP §2145. Neither You nor Porta disclose a cooking appliance. Moreover, there is no suggestion in either You or Porta to incorporate the sprayer device of You into a cooking appliance. The only source of such disclosure or suggestion is the specification of the present application, which is clearly an improper source for formulating an obviousness rejection.

You Constitutes Non-Analogous Art

Even if the combination of You and Porta did not involve impermissible hindsight reasoning, Applicants respectfully submit that You comprises non-analogous art, and therefore, the rejections should be withdrawn. MPEP §2145.

You discloses a portable spray car wash device for cleaning automobiles such as cars, trucks, and/or sport utility vehicles (see column 1, lines 24 to 26). The technical field of You is far away from the technical field of hand-held sprayers for cooking appliances, as recited in amended claims 1 and 11.

For example, according to column 5, lines 39 to 59 of You, the wash device 10 comprises reservoir containers 51, 52, 53. The containers 51, 52, 53 are connected via motors 71, 72, 73 to outlets 74, 75, 76 respectively (see column 5, lines 60 to 65). As shown in Figure 1 of You and explained in column 6, lines 21 to 27, respective hoses 121, 122, 123 are connected to the outlets 74, 75, 76. Each of the hoses 121, 122, 123 is in turn connected to a respective spray trigger 124, 125, 126. The three independent spray triggers 124, 125, 126 are used for different cleaning purposes.

For example, spray trigger 125, which is connected to the second reservoir container 52 (see column 5, lines 51 to 55 of You), is disclosed as being used to spray a glass cleaning solution onto a windshield or onto the windows of an automobile. Such surfaces are all mainly vertical surfaces. Therefore, it is not necessary to turn, rotate, or otherwise manipulate the spray trigger 125 between different, especially opposite, directions to clean the surfaces.

Furthermore, You describes very clearly that the entire spray wash device 10 disclosed therein is freely moveable, and thus, may be freely moved around the automobile to enable cleaning of the different surfaces of the automobile. Thus, according to You, it is especially necessary to reposition the device 10 to turn the spray triggers into various desired directions. To serve this goal, the wash device 10 comprises freely moveable wheels as well as handles to allow movement of the wash device. See, column 4, line 56, to column 5, line 20 of You. Furthermore, comparably long hoses 121, 122, 123 are used to reach and clean the different surfaces of the automobile, especially for a truck or a sport utility vehicle. Such

comparably long hoses allow for movement of the sprayers around their axes by twisting the hoses to which the sprayers are connected.

As discussed above, one problem that needs to be addressed in sprayers for cooking appliances, is to enable free movement of the sprayer independent of movement of the hose. *See*, for example, paragraphs [0012] and [0013] of the specification. This is not addressed anywhere in You. Specifically, You does not disclose or suggest a sprayer that is freely moveable relative to a hose, especially by the use of a special connection between the hose and the sprayer.

Accordingly, a person having ordinary skill in the would not have considered You when designing a cleaning device for a cooking appliance, as recited in claims 1 and 11, and You constitutes non-analogous art.

Neither You nor Porta Disclose or Suggest Every Feature of Claims 1 and 11

Even if a person skilled in the art would have taken the disclosure of You into consideration for solving the technical problem on which the claimed subject matter is based, a combination of You and Porta would not have led a person skilled in the art to the claimed subject matter. That is, Porta is directed to a safety coupling device. Porta neither directly nor indirectly discloses that the coupling device may be used to couple a hose to a hand-held sprayer. More specifically, Porta does not disclose that the coupling device may be used for connecting a hose to a hand-held sprayer of a cooking appliance, as recited in claims 1 and 11 of the present application.

Furthermore, Porta would not suggest to a person having ordinary skill in the art of cooking appliances that the coupling device may be used for such a purpose. Specifically, Porta neither directly nor indirectly discloses, or suggests, a coupling device that allows free movement of the coupling member 14 relative to the hose 22, as shown for example in Figures 1 and 2 of Porta.

In addition, as presented in response to the last official action, Applicants respectfully re-assert that the third mounting extension recited in claims 1 and 11 of the present application take the form of an adapter, which clearly differs from the “flat on flat” arrangement disclosed by Porta. This is clearly and unambiguously expressed in the sixth paragraph on page 6 of the originally-filed English language translation of the specification,

where it is stated that the extension 8 may, in a first alternative embodiment, be formed as an adapter and, in a second alternative embodiment, be formed in the form of a surface that is flat on another surface of the extension 7. As Porta only discloses a “flat on flat” arrangement, Porta at least fails to disclose or suggest the embodiment of the extension 8 comprising an adapter.

OFFICIAL NOTICE

With respect to claims 3, 4, 10, and 13-15 the examiner has taken official notice of providing a seal between a hose extension and a first mounting extension of a connecting plug element. Specifically, the official action states “that it is old and well known in the art to place at least one sealing element between two intimately connected fluid conveying conduit members in order to assure that fluid does not leak from the connection.”

The applicant respectfully traversed this taking of official notice in response to the previous official action and the present official action does not present any evidence to substantiate this rejection, as is required by 37 CFR 1.104(c)(2). Accordingly, the rejection of claims 3, 4, 10, and 13-15 should be withdrawn.

For the sake of completeness, Applicants repeat the traversal of the official notice.

While it may be well known to provide a seal between other components of a hydraulic system, it is not old and well-known to provide such a seal between a hose extension and a connection plug element. Rather, as evidenced by both Williams and Porta, it is old and well known to provide a connecting plug element with ribs, for example, between which the hose extension may be compressed to assure that fluid does not leak from the connection.

Accordingly, this official notice is respectfully traversed, and applicants request reconsideration and withdrawal of the rejections of claims 3, 4, 10, and 13-15.

CONCLUSION

In light of the foregoing, the applicant submits that each of the outstanding rejections, objections, and other concerns has been overcome. Therefore, the present application is in condition for allowance. If there are any additional issues that the examiner believes may be remedied via telephone conference, kindly contact the undersigned at (312) 474-6300.

April 30, 2008

Respectfully submitted,

By 

Michael P. Furmanek

Registration No.: 58,495

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicants